might profit by them; and enactments may be proposed and adopted in one English-speaking community in ignorance of the fact that similar measures have after trial been abandoned or modified in another." To prevent this by disseminating a more extended knowledge of the substance and form of legislation in other jurisdictions, will be one of the main objects of the Society. It will also undertake the scientific study and comparison of the diverse systems of law, Hindu and Mohammedan, French, Roman-Dutch, and Spanish, which come before the Privy Council in the exercise of its remarkable jurisdiction as Appellate Court for the Colonies.

Following the example of the American Bar Association and the *Institut de Droit International*, the Society has formed standing committees, intrusted with different departments of the work. These committees are to deal respectively with Statute law, Mercantile Law, Comparative and Historical Jurisprudence, and Procedure. The information collected by the Society is to be published in convenient form, probably to a great extent in its Journal, of which the first number is fairly indicative of the nature of the work undertaken. It contains two hundred and thirty-eight pages, and includes articles on The Legislation of the British Empire in 1895, Modes of Legislation in the British Colonies, The German Civil Code, Application of European Law to Natives of India and of Ceylon, and The State Legislation of America in 1895.

A STRANGE APPLICATION OF AN OLD DOCTRINE. — The New York Court of Appeals has recently been called upon to decide a novel question. A woman was pregnant by one A, who, on seeking for a way out of the difficulty, bethought himself that his friend B was looking about for a wife. At their next encounter A informed his friend that he knew of a virtuous young woman who might be willing to wed, and ultimately B was induced by false representations to marry the very woman whom A had seduced. He soon learned of the fraud that had been practised upon him, and instead of repudiating the union, as he might well have done, he sought revenge upon A through the instrumentality of the courts of justice. The result was the case of *Kujek* v. *Goldman*, the final decision of which, in the Court of Appeals, is reported in the New York Law Journal of October 21, 1896.

The court admitted that the action was unprecedented, but felt satisfied that the plaintiff, in being compelled to support a woman he would not otherwise have married, and in being deprived of her services while she was in child-bed, had suffered legal damage for which he could recover in an action of deceit. And upon this peg it was deemed permissible, owing to the nature of the case, to hang exemplary damages. Thus far the logic of the decision seems unassailable, though the particular point decided is new. The nearest approach to it appears to be found in those cases where a marriage is induced by fraudulent misrepresentations to one of the parties concerning the amount of property possessed by the other. This is regarded as an actionable wrong, and in certain cases courts of equity have compelled the person guilty of the fraud to make good his representations. *Montifiori* v. *Montifiori*, 1 W. Bl. 363; *Piper* v. *Hoard*, 107 N. Y. 73.

In the case under discussion, however, the court proceeds to assert a much more radical doctrine. It is laid down that "the action can

be maintained upon a broader and more satisfactory ground, and that is the loss of *consortium*, or the right of the husband to the conjugal fellowship and society of his wife." This is a rather surprising assertion, as the action for loss of *consortium* is generally supposed to be maintainable only against one who seduces or entices away a wife after marriage. The New York court, however, says that the gist of the action lies in the husband being deprived of a certain right, and whether he is deprived of it after acquiring it, or prevented from acquiring it, is immaterial. In other words, "when he entered into the marriage relation, he was entitled to the company of a virtuous woman, yet, through the fraud of the defendant, that right never came to him. . . . The injury, although effected by fraud before marriage, instead of by seduction after marriage, was the same, and why should not the remedy be the same?" This reasoning seems inconclusive. In the absence of the element of deceit, it is clear that the seducer of a woman is under no liability to the man she subsequently marries. Why should the presence of this element bring the case within the scope of the action for loss of *consortium?* The defendant in *Kujek* v. *Goldman* had certainly done the plaintiff a great wrong, but the action for deceit afforded the latter an ample remedy. One may well wonder why the court should have gone out of its way to enter such questionable territory.

LORD RUSSELL'S VALEDICTORY TO THE AMERICAN BAR ASSOCIATION. — At Saratoga last August, after Mr. Austen G. Fox had finished the reading of his paper on Two Years' Experience of the New York State Board of Law Examiners, which is printed in this number of the REVIEW, Lord Russell arose and made some rather extended remarks. After speaking of the enormous influence exerted by the Bar in all civilized countries, and of the high importance that all who enter the profession should be required to bring to its duties an adequate equipment, he turned to the topic of the American Bar Association, and American lawyers in general, and concluded as follows: "I would like before I sit down to be allowed to express the admiration I feel, not only for the constitution of this Congress of United States lawyers, but for the scheme of its operations, and the wise purposes to which it devotes its efforts. Its work is not new to me. I have had the pleasure of seeing now for some years the record of its proceedings, and it is to me, as it was on hearing the admirable presidential address which was delivered on Wednesday, in the highest degree refreshing to find that the members of the Bar in this country are so earnestly alive to the responsibilities of their position, are so keen to observe, to weigh, to judge, to discriminate, to test the current of judgment and of legislation, and that above all they keep before themselves steadfastly and unceasingly a high ideal of what ought to be, not merely the mental equipments and the acquirements in learning, but the high moral character of the profession to which they belong."

WHO SHOULD PAY COSTS? — To leave each party to a lawsuit to pay his own expenses, as is practically done in Massachusetts, seems an evident selling of justice. Justice, to be sure, is like any other commodity in that it costs to produce it; but when the cost of justice is more than the man who needs it can afford to pay, or more than it is worth to him